

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JOSEPH TULLY,

Plaintiff,

v.

INTERLAKE STEAMSHIP COMPANY,

Defendant.

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Case No. 02-CV-70327-DT

HONORABLE DENISE PAGE HOOD

**ORDER**

This matter is before the Court on Defendant's Motion for Reconsideration of the Court's Ruling of March 30, 2005 on Plaintiff's Motion for Rehearing of Plaintiff's Motion for Partial Summary Judgment and Plaintiff's Motion to Amend/Correct Proposed Findings of Fact and Conclusions of Law.

On April 8, 2004, the Court entered an Order denying Plaintiff's Motion for Partial Summary Judgment. Plaintiff filed his Motion for Reconsideration on April 23, 2004. The Court entered its Order granting Plaintiff's Motion for Reconsideration on March 30, 2005. Defendant filed its Motion for Reconsideration of the March 30, 2005 Order on April 8, 2005. Defendant seeks reconsideration of the Court's finding that OSHA standards for "fixed industrial stairs" applies to the stairway on the ATB Dorothy Ann. Defendant cites *Mauler v. F/V Centaurus*, 1993 A.M.C. 1253, 1992 WL 510215 (W.D. Wash., Dec. 17, 1992) claiming the Court's reliance on that case was misplaced. Defendant claims the *Mauler* Court specifically excluded the application of OSHA regulations to some ship ladders and stairs, particularly those "with rises steeper than 50 degrees." *Id.* 1257.

As noted before, *Mauler* is not controlling. However, the Court concludes that it read *Mauler* too broadly. In this case, the Court finds, depending on the facts to be found by the Court following trial, OSHA standards for “fixed industrial stairs” may apply to the stairway at issue on the ATB Dorothy Ann. The testimony regarding the OSHA and its applicability to the stairway on the ATB Dorothy Ann will be reviewed by the Court in its decision and findings of fact.

Plaintiff’s Motion to Amend/Correct Proposed Findings of Fact and Conclusions of Law is granted since the motion is unopposed.

Accordingly,

IT IS ORDERED that Plaintiff’s Motion for Reconsideration of the Court’s Ruling of March 30, 2005 on Plaintiff’s Motion for Rehearing of Plaintiff’s Motion for Partial Summary Judgment (**Docket No. 111, filed April 23, 2005**) is GRANTED as set forth above.

IT IS FURTHER ORDERED that Plaintiff’s Motion to Amend/Correct Proposed Findings of Fact and Conclusions of Law (**Docket No. 113, filed July 22, 2005**) is GRANTED.

/s/ DENISE PAGE HOOD  
DENISE PAGE HOOD  
United States District Judge

DATED: March 31, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 31, 2006, by electronic and/or ordinary mail.

s/William F. Lewis  
Case Manager